

PROCEEDINGS OF THE CITY-PARISH COUNCIL MEETING OF THE CITY-PARISH OF LAFAYETTE, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING OF MAY 17, 2005.

ATTENDANCE

COUNCIL: Randy Menard – Chair (District 9), Rob Stevenson – Vice Chair (District 8), Bobby Badeaux (District 1), Dale Bourgeois (District 2), Christopher J. Williams, Ph.D. (District 3), Lenwood Broussard (District 5), Bruce Conque (District 6), Marc Mouton (District 7)

ABSENT: Louis C. Benjamin, Jr. (District 4)

COUNCIL STAFF: Norma Dugas (Clerk of the Council) and Sally Angers (Administrative Assistant)

ADMINISTRATIVE STAFF: L. J. Durel, Jr. (City-Parish President), Dee Stanley (CAO), Becky Lalumia (CFO), Gail Smith (Director of Administrative Services), Chief Randy Hundley (Police Department), Chief Robert Benoit (Fire Department), Eleanor Bouy (Director of Planning, Zoning and Codes), Terry Huval (Utilities Director), Tom Carroll (Public Works Director), Pat Ottinger (Legal Counsel), Tony Tramel (Director of Transportation), Melanie Lewis (Community Development Director), Keith Thibodeaux, (Director of Information Systems)

COMMENCEMENT

(TAPE 1)(SIDE A)(037) **AGENDA ITEM NO. 1:** Call to order.

Councilmember Randy Menard called the Regular Council Meeting of May 17, 2005 to order.

(TAPE 1)(SIDE A)(038) **AGENDA ITEM NO. 2:** Invocation and Pledge of Allegiance.

The Chair called upon Councilmember Marc Mouton to give the invocation and then lead the Pledge of Allegiance.

(TAPE 1)(SIDE A)(064) **AGENDA ITEM NO. 3: EXECUTIVE /PRESIDENT’S REPORT**

a. Proclamation - Police Week. President Durel declared May 15, 2005 as Peace Officer's Memorial Day and the week in which May 15, 2005 falls as National Police Week.

(TAPE 1)(SIDE A)(098) **AGENDA ITEM NO. 4: CEREMONIAL PRESENTATION**

Recognitions

a. Digital Divide Update by LUS.

President Durel called on Terry Huval to give an update on the Digital Divide.

Chair Menard suggested that the presentation of the Digital Divide be given after the Ceremonial Presentations and Council Announcements. He stated that he would recess the Regular Council meeting and call the Special Joint meeting to order so the Council could hear the presentation and take any action necessary. There were no objections.

b. David Thibodeaux, Lafayette Parish School Board President to discuss School System Facilities. Mr. Thibodeaux gave a presentation on the financial needs to renovate the facilities of the Lafayette Parish School System.

c. Recipient of Williams/Green Scholarship. Dr. Williams presented the 2005 Williams/Green Scholarships to Chantal Frank and Raimy Nicole Living.

(TAPE 1)(SIDE A)(220) **AGENDA ITEM NO. 5: COUNCIL ANNOUNCEMENTS**

Badeaux recognized James Simmons, Athletic Director for Lafayette Parish School Board, who announced a fundraiser to be held on June 5, 2005 to benefit Leukemia and Lymphoma.

(TAPE 1)(SIDE A)(316) Chair Menard recessed the regular meeting in order to call the Special Joint Lafayette City-Parish Council and Lafayette Public Utilities Authority meeting to order to

hear the presentation on the Digital Divide and take any action necessary.

(TAPE 2)(SIDE A)(21) Chair Menard reconvened the regular Lafayette City-Parish Council.

RESOLUTIONS

(TAPE 2)(SIDE A)(26) AGENDA ITEM NO. 6: R-039-2005 A resolution of the Lafayette City-Parish Council requesting the Planning & Zoning Commission to conduct a public hearing to consider the rezoning of property belonging to Tiffany Charles, located generally east of Chester Street, north of East Pine Street and south of Matthieu Street from R-2 (Multi-Family Residential) to BN (Neighborhood Business), motion to adopt by Williams, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Williams, Broussard

NAYS: Bourgeois, Conque, Mouton, Menard

ABSENT: Benjamin, Stevenson

ABSTAIN: None

Motion to adopt failed.

Williams stated that Mr. & Mrs. Charles are small business owners who are attempting to open a business on Chester Street. He said that the Council has the authority to adopt this resolution, which would waive the \$500 fee.

Upon questioning by Badeaux, Eleanor Bouy, informed the Council that the last time this was done was in 2001.

(TAPE 2)(SIDE 1)(66) AGENDA ITEM NO. 7: R-040-2005 A resolution of the Lafayette City-Parish Council authorizing the disposition of certain bicycles which were recovered as voluntarily relinquished to the Lafayette Police Department, in accordance with the provisions of LA. R.S. 33:2333, motion to adopt by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously adopted

Upon questioning by Badeaux, Chief Hundley said that, after a 90 day public notice, the bicycles would be disbursed to the needy.

(TAPE 2)(SIDE 1)(106) AGENDA ITEM NO. 8: R-041-2005 A resolution of the Lafayette City-Parish Council supporting the establishment of a state renovation tax credit for homeowners or homebuyers in certified districts, motion to adopt by Mouton, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Menard

NAYS: Stevenson

ABSENT: Benjamin

ABSTAIN: None

Motion was adopted

Upon questioning by Williams, Stanley explained that this was presented to them by the Downtown Development District and does not provide for any local tax credits, it only endorses a bill that is currently before the legislation. He stated that he believes that it would provide up to \$250,000 in state income tax credits for those who qualify for owner/occupied rehab within a specific district.

ORDINANCES FOR FINAL ADOPTION

(TAPE 2)(SIDE 1)(138) AGENDA ITEM NO. 9: O-111-2005 An ordinance of the Lafayette City-Parish Council pertaining to relationships with External Agencies and establishing policy and procedure with respect to funding, and repealing Ordinance No. O-090-97, motion to adopt as amended by Williams, seconded by Broussard, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson

NAYS: Menard

ABSENT: Benjamin

ABSTAIN: None

Motion was adopted

Williams stated that this ordinance basically clears up the process for external agency funding.

Before the voting on the adoption of the ordinance, Mouton offered the following amendment, seconded by Badeaux; **(Section 2.B (8), add the following at the very end:which report or statement shall reflect and report all accounts or funds of any nature or kind which are available or are credited to the external agency or any trust fund associated with such external agency)** and the vote was as follows:

YEAS: Badeaux, Bourgeois, Williams, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Benjamin

ABSTAIN: None

Motion was unanimously adopted.

Upon questioning by Williams, Mouton stated that his amendment would make sure that the agencies provide full disclosure on any funding provided to the agency.

Upon questioning by Broussard, Williams stated that the intention of the changes in the original ordinance would be able to track all LCG funding, whether it is in-kind services or direct funding.

Stanley said that it appears that the ordinance would remove the ability for external agencies to apply for in-kind services through this process. They would have to apply through some other means.

Upon questioning by Broussard, Lalumia stated that the prior administration put the budgets for the external agencies in the department that best reflected the services provided. The new ordinance would put all of the external agencies under Community Development, but the Council can choose to reflect their budgets in other departments.

(TAPE 2)(SIDE B)(42) Persons speaking on Agenda Item 9 were:

- Robert Lowe spoke on behalf of 232HELP-211 and asked for continued support.
- Larry Baker, representing Council on Aging, requested the Council continue funding the Meals on Wheels.
- Jackie Lyle stated that the Council define "needs" not as needy but how it relates to the mission of the Lafayette Consolidated Government, to the Council and to the community values.

Menard stated that the Council is not proposing to cut funding for any external agencies by the action tonight and that the Community Development Department liaison asked that the ordinance be cleaned up.

(TAPE 2)(SIDE B)(200) Chair Menard stated that Williams has requested to take Agenda Item 19 at this time because he has another function to attend. There were no objections.

AGENDA ITEM NO. 19: Appointment of _____ to the Planning & Zoning Commission for a five-year term effective June 4, 2005 (must reside within the corporate limits of the City of Lafayette). Resumes were received from Leona W. Reichardt, Brenda Castille-Narcisse, John Paul Stoshak and Fredrick Prejean. Mouton nominated Reichardt, Williams nominated Prejean and the vote was as follows:

Prejean: Districts 2, 3, 6, 8, 9

Reichardt: Districts 7, 1, 5

Fredrick Prejean was appointed.

Chair Menard resumed the regular order of the agenda.

(TAPE 2)(SIDE B)(225) AGENDA ITEM NO. 10: O-126-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing the use of Prior Year Fund Balance by \$15,631.00 and increasing Contractual Services-Acadiana Crime Lab to allocate funds for the City of Lafayette share of the Acadiana Crime Laboratory deficit within the Lafayette Police Department, motion to adopt by Bourgeois, seconded by Badeaux, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

Upon questioning by Stevenson, Chief Hundley stated that LCG has no control of the finances of the Crime Lab and each agency that it serves is providing the funding to keep the facility open.

(TAPE 2)(SIDE B)(300) AGENDA ITEM NO. 11: O-127-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government authorizing the increase of revenues in the amount of \$1,784.00 received from the Louisiana Commission on Law Enforcement (LCLE) through the Evangeline Law Enforcement Council (ELEC) under Act 562 Equipment Program and appropriating the revenues within the Lafayette Police Department, motion to adopt by Stevenson, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

(TAPE 2)(SIDE B)(313) AGENDA ITEM NO. 12: O-128-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to enter into an Intergovernmental Agreement with the City of Scott concerning the replacement of the Des Jacques Street Bridge over Coulee Ile Des Cannes, Lateral 8 and amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing \$13,600 new revenues from the City of Scott and increasing the Rural Roads & Bridges Program, motion to adopt by Bourgeois, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

Chair Menard stated that amendments have been made to Ordinance No. 129-2005 and will be included in the motion.

(TAPE 2)(SIDE B)(313) AGENDA ITEM NO. 13: O-129-2005 An ordinance of the Lafayette City-Parish Council declaring the LaNeuville Road Widening Project a public necessity and authorizing the acquisition of the necessary land, rights-of-way and other property rights requisite to the construction of said property, either on an amicable basis or through the use of the expropriation process if necessary, motion to adopt as amended (**in the title of the ordinance, add the words immovable property and servitudes after the words necessary land; Section 3: strike out the words vicinity map and replace with rights-of-way plans; Section 5: 2nd line insert the words immovable property after the words rights-of-way and replace the word or with the word and**) by Mouton, seconded by Bourgeois, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted.

Upon questioning by Mouton, Carroll said that part of the roadway is in the City of Broussard and there are preliminary indications from the Mayor of Broussard that they are willing to contribute some funding and the possibility of the inclusion of a round-about at LaNeuville and Bonin Road.

Mouton requested that the Council be kept updated on this project.

(TAPE 2)(SIDE B)(413) AGENDA ITEM NO. 14: O-130-2005 An ordinance of the Lafayette City-Parish Council authorizing the Lafayette City-Parish President to execute and accept certain Corridor Preservation Servitude Agreements in connection with the alignment for West Congress Street Extension Project, motion to adopt by Conque, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

(TAPE 2)(SIDE B)(426) AGENDA ITEM NO. 15: O-131-2005 An ordinance of the Lafayette City-Parish Council authorizing and approving the Lafayette City-Parish Consolidated Government to sell City-Parish street rights-of-way property to the State of Louisiana for the Route I-49 Project, State Project Number 455-01-0034, motion to adopt by Bourgeois, seconded by Conque, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

(TAPE 2)(SIDE B)(439) AGENDA ITEM NO. 16: O-132-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by authorizing the increase in revenue in the amount of \$651,525 for DHH Acadiana Recovery Center Inpatient Treatment Program of funds received from the Office for Addictive Disorders and increasing the salary of one Social Service Counselor I by 5% upon passing the exam for Board Certification for Substance Abuse Counselors and appropriating within the Community Development Department, motion to adopt by Stevenson, seconded by Mouton, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

(TAPE 2)(SIDE B)(458) AGENDA ITEM NO. 17: O-133-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on Lot 89 of Greenbriar Estates, having a municipal address of 1209 West Bayou Parkway, motion to adopt by Mouton, seconded by Stevenson, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Broussard, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin

ABSTAIN: None

Motion was unanimously adopted

CONSIDER APPOINTMENTS BY THE COUNCIL, AS A WHOLE, TO FOLLOWING BOARDS/COMMISSIONS

(TAPE 2)(SIDE B)(469) AGENDA ITEM NO. 20: Appointment of _____ to the Taxicab Control Board for a four year term effective June 4, 2005 (from nominations from the Lafayette Convention & Visitor's Commission). Resumes were received from Dean Dugas, Peggy Matt and Karen Primeaux. Conque nominated Dugas, Badeaux nominated Matt, Bourgeois nominated Primeaux and the vote was as follows:

Dugas: Districts 6, 8, 9

Matt: Districts 1, 7

Primeaux: Districts 2, 5

Chair Menard called for a vote between Matt and Primeaux to decide who would be in the runoff and the vote was as follows:

Matt: Districts 1, 7, 8

Primeaux: Districts 2, 5, 6, 9

Chair Menard then called for a final vote between the two top vote getters, Dugas and Primeaux, and the vote was as follows:

Dugas: Districts 1, 6, 7, 8, 9

Primeaux: Districts 2, 5

Dean Dugas was appointed.

INTRODUCTORY ORDINANCES

(TAPE 2)(SIDE B)(533) AGENDA ITEMS NO. 21 - 38: A motion was offered by Mouton, seconded by Stevenson, to approve the following ordinances (No. O-134-2005 through O-151-2005) for introduction, in-globo, and the vote was as follows:

YEAS: Badeaux, Bourgeois, Conque, Mouton, Stevenson, Menard

NAYS: None

ABSENT: Williams, Benjamin, Broussard
ABSTAIN: None

21. O-134-2005 An ordinance of the Lafayette City-Parish Council amending Ordinance No. O-179-2005 which adopted the Multi-Year Capital Improvement Program commencing with Fiscal Year 2004-05 by rebudgeting \$3,000,000 in bonds to be sold in FY 05/06.
22. O-135-2005 An ordinance of the Lafayette City-Parish Council repealing Ordinance Nos. O-229-2001 and O-338-2003 - 2.
23. O-136-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by recognizing \$12,500 new revenues each from the 15th Judicial District Judges, the 15th Judicial District Attorney, the Lafayette Parish Clerk of Court and the Lafayette Parish Communications District and increasing the Lafayette Parish Courthouse Improvement project, including but not limited to the parish courthouse building, parish governmental building at 1010 Lafayette Street, and the old federal courthouse building located at Jefferson Street and Main Street by \$50,000 within the Department of Public Works for additional funding needed.
24. O-137-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$812,190 for revenues received from bond refunding escrow proceeds and appropriating same to City street overlay.
25. O-138-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring excess funds in the City Street Overlay to Council Reserve.
26. O-139-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$812,190 from Council Reserve to frontage road projects and acquisition of police vehicles.
27. O-140-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$965.00 from Utilities completed Special Equipment work orders to Council Reserve for the first quarter of FY 04/05.
28. O-141-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$26,259 from various completed capital work orders of the first quarter of FY 04/05.
29. O-142-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$30,000 from 04 Tools and Equipment to Generators-2 account within the Fire Department for funding needed.
30. O-143-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by amending the manning tables of the Public Works Department – Capital Improvements Division – Estimates and Administration to reclassify the PW Budget Officer to Departmental Budget Analyst pending approval by Civil Service and transferring \$4,252 from personnel related costs to Council Reserve.
31. O-144-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$43,528 from Debaillon Coulee – Ph II Project to Reserve – Drainage.
32. O-145-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$100,000 from Reserve – Drainage to Oak Coulee Project within the Department of Public Works for additional funding needed.
33. O-146-2005 An ordinance of the Lafayette City-Parish Council declaring the Landry Road Widening Project a public necessity and authorizing the acquisition of the

necessary land, rights-of-way, immovable property, servitudes and other property rights requisite to the construction of said project, either on an amicable basis or through the use of the expropriation process if necessary.

34. O-147-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by transferring \$111,757 from Kaliste Saloom Frontage – Phase I (Settler’s Trace) Project to Reserve – Streets.
35. O-148-2005 An ordinance of the Lafayette City-Parish Council authorizing early termination of a non-exclusive franchise agreement with Acadiana Bottling Company, Inc. concerning bus stop benches and advertising
36. O-149-2005 An ordinance of the Lafayette City-Parish Council amending the FY 04/05 operating budget of the Lafayette City-Parish Consolidated Government by adjusting the manning tables and corresponding budgetary accounts for a reorganization within the Transmission and Distribution Division and Energy Control Division of the Department of Utilities.
37. O-150-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of the utility niches on Lots C-105 and C-107 in Phase II of the Village of River Ranch, having municipal addresses of 611 Richland Avenue and 613 Richland Avenue.
38. O-151-2005 An ordinance of the Lafayette City-Parish Council providing for the abandonment of a portion of a utility easement on Lot 2 of Maxim P. Soulier et al Subdivision and the unplatted property of Maxim P. Soulier et al, having municipal addresses of 2207 Kaliste Saloom Road and the 100 block of East Martial Avenue.

(TAPE 3)(SIDE A)(01) AGENDA ITEM NO. 39: Comments from the public concerning the above Introductory Ordinances.

Persons speaking on Ordinance No. O-148-2005 were:

- George Bentley asked that attention be made on the placement of the benches because of vision impairment of motorists.
- Cheryl Babineaux asked if the City is going to provide benches if these are removed and also requested that benches be put at the bus stops on Moss Street.

Upon questioning by Stevenson, Tramel stated that they are pursuing another vendor to provide the bus stop benches. He also stated that Acadiana Bottling has offered to donate the benches to Lafayette City-Parish Government, but it is a matter of man-power being able to maintain them.

ADJOURN

(TAPE 3)(SIDE A)(156)There being no further business to come before the Council, Chair Menard declared the Regular Council Meeting adjourned.

/s/ Norma A. Dugas

NORMA A. DUGAS, CLERK
LAFAYETTE CITY-PARISH COUNCIL